land after the sale alledged to have been made by the Sheriff of Cecil County but he has been told that there was such a verbal contract but upon your respondents applying to the alledged contractor to confirm the contract he refused to do so. He has been informed and believes that Benjamin Terry continued to reside on said land up to the time of his death which your respondent is informed lately happened and does not believe that the said Wm. Spencer in his life time nor his your respondent since his death as Executor heir or devisee ever derived any profit or advantage from said land nor does your respondent consider it as part of the real estate of Wm. Spencer. Your respondent is willing to admit that Wm. Spencer died in the month of March 1822 leaving considerable real estate and that he made the will a copy of which marked Exhibit **E**, is filed with the Complainants Bill that he was largely in debt beyond the amount of his personal estate and that letters testamentary have been granted to your respondent. He admits the payments stated in the bill to have been made by Wm. Spencer to the Complainant and your respondent craves allowance for a bill obligatory dated on the 30th day of November 1815 for the sum of one hundred and seventy nine dollars and sixty six cents executed by a certain G. Pearce and James Pearce the Complainant to your respondents Testator Wm. Spencer and which is herewith filed marked Exhibit **H**. And which he believes with the payment admitted by complainants in his Bill and the amount of purchase money admitted in the bill to be due from Complainants will cover all his demands except for the purchase money due by Benjamin Terry and for the payment of which your respondent does not think the said Wm. Spencers Estate is responsible, your respondent is willing upon the said Wm. Spencers Estate being credited with the amount with interest that the Complainants bond for the purchase of the House and Lott in George Town should be cancelled and that a Trustee be appointed to convey the same to Complainant and he is also willing that the land formerly sold by Wm. Spencer as Trustee to Benjamin Terry be resold for the payment of Complainants debts but he protests against charging the real Estate of his Testator with the balance if any which may be wanting to make up the deficiency. Your respondent leaves the Complainant to establish by legal testimony all the material facts and allegations of his Bill not admitted by his Answer and prays leave to be dismissed with costs &c.

S. Murray for Defendant.

Kent County December 6th 1828. Personally appears Isaac Spencer before me the subscriber a Justice of the peace of the State of Maryland for the County aforesaid and makes oath on the Holy Evangelist of Almighty God that the facts stated in the above answer are true to the best of his knowledge and belief. Sworn before me. John Harrison.

Exhibit H.

We hereby promise and oblige ourselves our heirs Executors and administrators to pay to Col. William Spencer his Executors administrators or assigns the sum of one hundred seventy nine dollars and sixty six cents current money of Maryland on or before the first day of August next ensuing with interest thereon from the date hereof for the performance whereof we bind ourselves our and each of our heirs executors and administrators jointly and severally to the said Spencer his Executors administrators or assigns in the sum of three hundred and sixty dollars like money. Witness our hands and seals this thirtyeth day of November in the year of our Lord eighteen hundred and fifteen.

Sealed

Sam. McSutton. G. Pearce (Seal) Jas. Pearce (Seal)

And the said cause thus standing was continued until March Term of the said Court in the year of our Lord 1831. At which Term the Complainant by his Solicitors John B. Eccleston and Thomas S. Alexander Esquires filed in the said cause a suggestion in the words following. Mr. Waters, Suggest the deaths of Benjamin Terry and Catharine Ringgold.

J. B. E. Th. S. A.

And the said suggestion was accordingly entered. And at the same time the complainant by his said counsel filed in the cause a Bill of Revivor in the words following. To the Honourable Theodorick Bland Chancellor of Maryland. The Bill of Revivor of James Pearce of Kent County Executor of the last will and Testament of James Pearce

deceased humbly shows that heretofore he filed his bill of complaint in this Court against certain Isaac Spencer Benjamin Terry and others for relief and so forth as by said Bill well more at large appears. That said Isaac Spencer filed his answer to said Bill and other proceedings were had and afterwards Benjamin Terry the defendant departed this life having first duly made his last will and Testament and thereby devised all his Estate real and personal to his infant natural children Rachel Washington Susan, Elizabeth and Benjamin Franklin of Cecil County and leaving one Alphonso Hosden a brother of the half blood and one Theodus Price the only son of a deceased sister of the half blood both of whom are of Cecil County his heirs at law and your orator is advised that the said cause abated by the death of the said Terry and that he is entitled to have the same revived as against his said heirs at law and devisees. And your orator further shows that Catharine Ringgold one of the defendants named in said Bill is also dead a minor intestate and without issue and that her sisters the defendants named in said Bill Margaret Charlotte and Elizabeth are her heirs at law and your orator is advised that the cause which has abated by the death of the said Catharine should be revived as against her said heirs at law. In consideration whereof and to the end that the defendants hereto may answer the premises and also the original Bill and that the cause may be revived and stand in the same plite and condition as against the said defendants as it was at the deaths of said deceased defendants and that your orator may have other relief as his case may require. May it please your Honour to grant unto your orator the states writ of Subpoena to the said Rachel Washington Terry Susan Elizabeth Terry and Benjamin Franklin Terry Alphonso Hosden and Theodus Price of Cecil County and Margaret Ringgold Charlotte Ringgold and Elizabeth Ringgold of Kent County commanding them to appear in this Court to answer the premises and abide by such decree as may be passed therein and so forth.

John B. Eccleston
Th. S. Alexander for pl.

And thereupon subpoenas were issued as prayed by said Bill of Revivor, and the said cause thus standing was continued until September Term of the said Court in the said year 1831: at which Term the defendant Margaret C. Ringgold having been duly summoned to appear in said cause a Commission to appoint a Guardian to answer said Bill in her behalf was issued to James A. Pearce of Kent County who having accepted said appointment afterwards at March Term of the said Court in the year 1832 made return thereof and of his proceedings in the premises as follows. Maryland &c. The State of Maryland, To James Alfred Pearce of Kent County Greeting: Whereas James Pearce Ex.r of James hath lately exhibited his Bill of complaint before us in our High Court of Chancery against Margaret Ringgold and others defendants and whereas we have by our writ lately commanded the said defendants to appear before us in our said Chancery at a certain day now past to answer the said bill but for as much as the said Margaret C. Ringgold is an infant under age and cannot answer the said bill nor defend this suit forthout having a Guardian assigned in that behalf Know ye therefore that we have given unto you full power and authority in pursuance of the special order in our said Court to assign and appoint a Guardian for the aforesaid Infant and to take the answer of the said infant by such Guardian to the said bill and therefore we command you that at such certain day and place as you shall think fit you go to the said defendants if she cannot conveniently come to you and assign and appoint a Guardian for the aforesaid infant and take the answer of the said defendant by such Guardian to the said bill on such Guardians corporal oath upon the Holy Evangely to be administered by you the said answer being distinctly and plainly write and when you have so taken the said answer you are to send the same closed up under your seal together with your certificate of your having assigned and appointed such Guardian as aforesaid and this writ unto us in our said Chancery. Witness the Honourable Theodorick Bland Chancellor this 8th day of October Anno Domini 1831. Ramsay Waters, Regr. Cur. Can.

To the Honourable the Chancellor of Maryland. The undersigned begs leave to certify and return that in pursuance of the annexed Commission he did on this nineteenth day of November eighteen hundred and thirty one go to Margaret C. Ringgold the infant therein named and did then assign and appoint Peregrine Wethered, Junior Guardian to the said Margaret and did then take the answer of the said Margaret by the said Guardian